

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
NORTHWESTERN DIVISION

Civil No. 1:09-cv-00060

Robert Hale,

Plaintiffs,

VS.

State of North Dakota, by and through the North Dakota Department of Commerce; Shane Goettle, Director, in his official capacity as Director of the Department of Commerce; the Minot Area Development Corporation; and the City of Minot,

Defendants.

**DEFENDANT CITY OF MINOT'S  
MOTION TO DISMISS OR IN THE  
ALTERNATIVE FOR A MORE DEFINITE  
STATEMENT**

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Pursuant to Rule 7.1 of the Local Rules of the United States District Court for the District of North Dakota and Rules 8 and 12 of the Federal Rules of Civil Procedure, the City of Minot respectfully requests the Court dismiss Hale's *Complaint*. In the alternative, the City of Minot requests the Court order Hale to provide a more definite statement of his allegations and request for relief with respect to the alleged conduct by the City of Minot. Plaintiff's *Complaint* fails to state a claim upon which relief may be granted. Further, plaintiff's *Complaint* is so vague, ambiguous, and unintelligible that the City of Minot cannot reasonably prepare a response.

This motion is based upon all of the files, records, and proceedings herein, including the City of Minot's memorandum of law in support of this motion.

Dated this 15<sup>th</sup> day of September, 2009.

SMITH BAKKE PORSBORG SCHWEIGERT

By: s/Randall J. Bakke  
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**CERTIFICATE OF SERVICE**

I hereby certify that on September 15, 2009, a true and correct copy of the foregoing **DEFENDANT CITY OF MINOT'S MOTION TO DISMISS OR IN THE ALTERNATIVE FOR A MORE DEFINITE STATEMENT** was filed electronically with the Clerk of Court through ECF, and that ECF will send a Notice of Electronic Filing (NEF) to the following:

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I further certify that a copy of the foregoing document and the Notice of Electronic Filing will be mailed by first class mail, postage paid, to the following:

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RANDALL J. BAKKE

Motion – Dismiss – Definite Statement